



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 264-2013

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LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 31, 2013

SUBJECT: Combined Noise Report:

1. Annual Noise Report 2012 - 2013 (July 2012 through June 2013)
2. Quarterly Report Q2-2013 (April 2013 through June 2013)

This Letter to Commission (LTC) provides information and analysis on the enforcement efforts of the Building Department's Code Compliance Division (Code) regarding the City's Noise Ordinance. This report examines two specific time periods: (1) the *2012-2013 Annual Noise Report* (which runs from July 1, 2012 through June 30, 2013); and (2) the *Second Quarterly Report* for 2013 (Q2-2013), which reflects data for the period between April 1, 2013 and June 30, 2013.

The metrics and data analysis reflected herein is presented by calendar year quarters, as required by Article X of the Administrative Guidelines. In addition, this is the fourth (4th) annual noise report since the Noise Ordinance was implemented.

The report includes the following support documentation:

- Attachment A – Analysis of noise cases for Quarters 3 and 4 for Calendar Year 2012, and Quarters 1 and 2 of Calendar Year 2013.
- Attachment B – Analysis for Commercial noise cases, as reflected in the above referenced reporting period.
- Attachment C – Analysis of noise cases for Quarter 2-2013 (April 1, 2013 through June 30, 2013).
- Attachment D – Analysis for Commercial noise cases, for the same period referenced in Attachment C.
- Attachment E – Disposition of noise cases presented at Special Masters Appeal Hearings for Q2-2013.

During the last few years, there has been much debate regarding the invalidity rates of noise complaints. One of the challenges is that there is only one category for invalid, without further explanation or reason as to why the noise complaint is deemed invalid. Towards that end, the Administration has recommended that noise complaints that are deemed invalid, be further detailed with additional outcomes, such as "unfounded complaint", "unverifiable", "inaccessible", "allowable / within guidelines", "does not meet criteria", or complaint is not unusual. In the future, we will provide this additional information in an effort to make this report more meaningful to the reader.

I. SUMMARY OF ANNUAL REPORT DATA

The Noise Administrative Guidelines as well as Article IV, Section 46-152 of the City of Miami Beach Code of Ordinances defines valid noise violations as any noise identified to be “*excessive, unusual, unreasonable, and unnecessary*” at the time of arrival by a Code Compliance Officer (CCO) or a City of Miami Beach Police Officer (PD).

During the reporting period of July 1, 2012 through June 30, 2013, there were a total of 3,846 noise cases opened, of which the overwhelming majority was received through complaints. The 3,846 cases represent a 43% increase over 2006-07, the inception year for the Noise Report, but a 5.9% decrease over last year. This information is reflected in Chart #1 below.

A visual analysis of Chart #1 reflects a steady and gradual increase of noise cases beginning in 2006-07, with a gradual decrease in the total number of cases since 2011-12. Through the past seven years, the relatively high number of noise cases can be attributed to many factors including the increased public awareness of the Noise Ordinance, the efficacy and success of community outreach efforts to educate residents regarding City services, and the ease of access available to citizens through the City’s centralized telephone number (305-604-CITY) by which Code may be reached via the Parking Department dispatchers throughout the day and evening to respond to noise complaints.

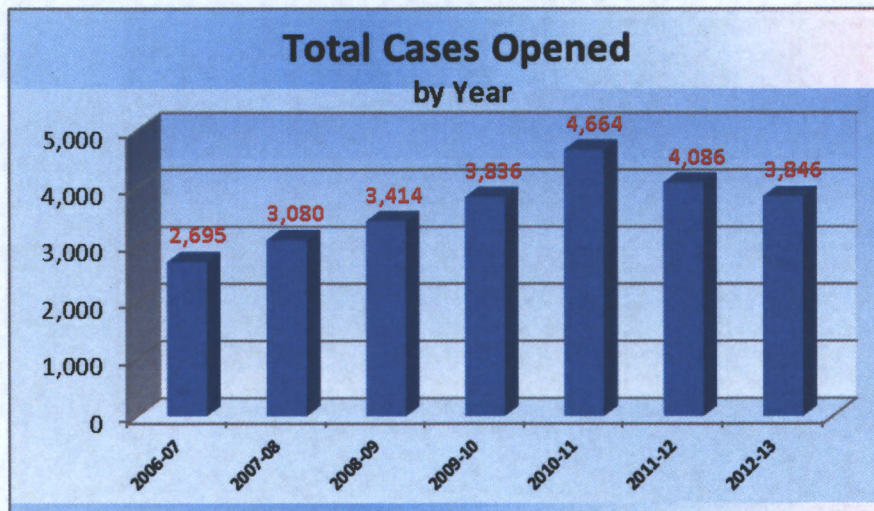


Chart #1

Attachment A provides a detailed analysis and breakdown of noise complaints and calls for service for all cases for the period of July 1, 2012 through June 30, 2013. Further analysis reflects that of the 3,846 cases for the 2012-2013 reporting year:

- 158 cases were cancelled by the complainant,
- 41 cases were voided,
- 194 cases were referred to and/or addressed by the Miami Beach Police Department,
- 11 cases were deemed to be duplicate complaints; and
- 10 cases were closed as they were not applicable to Code.

When these 414 are backed out of the total number of noise cases opened, that leaves **3,432** noise cases with a disposition of either **valid or invalid**. Of these, 891 cases were deemed to have been valid, resulting in an aggregate annual noise validity rate of **25.97%**, for the period between July 1, 2012 and June 30, 2013.

II. HISTORICAL ANALYSIS

The annual noise report is composed of four (4) quarters: the last two quarters of Calendar Year 2012 [Q3-2012 (July 1, 2012 through September 30, 2012), Q4-2012 (October 1, 2012 through December 31, 2012)], and the first two quarters of Calendar Year 2013 [Q1-2013 (January 1, 2013 through March 31, 2013), and Q2-2013 (April 1, 2013 through June 30, 2013)]. A trend analysis by quarters, relative to Q4-2007, clearly reflects that the majority of noise-related cases take place within residentially zoned areas. Chart 2 below reflects this information in historical context.

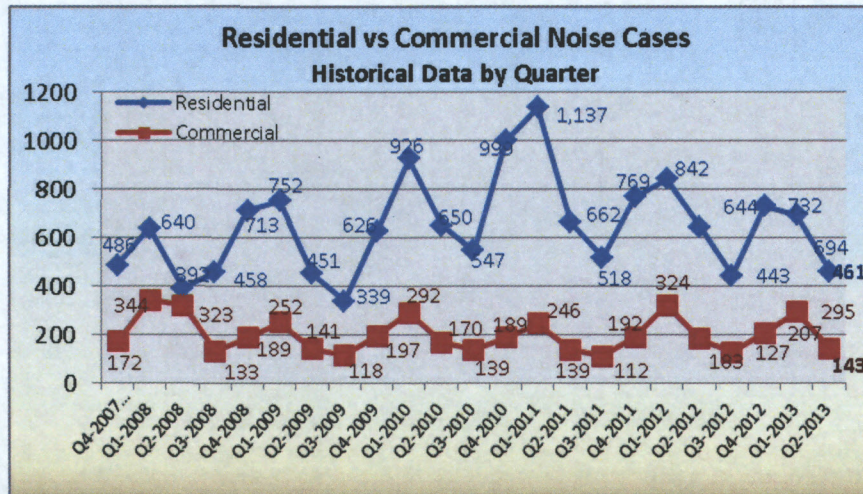


Chart #2

During the annual rating period between July 2012 and June 2013, approximately 68% of noise-related cases were identified to have taken place at a residentially zoned location. The remaining 32% took place at either a commercially zoned area (22.5%) or "other" (9.6%). For the purposes of this report, "other" pertains to noise violations at a public event or the public right of way.

BREAKDOWN OF TOTAL CASES BY TYPE July 2012 – June 2013		
RESIDENTIAL	2,330	67.9%
COMMERCIAL	772	22.5%
OTHER	330	9.6%
TOTAL	3,432	100%

Chart #3

III. SUMMARY OF ANNUAL REPORT DATA – COMMERCIAL CASES

Historically, Noise Reports have focused more extensively on commercial noise violations as opposed to residentially zoned noise violations. Commercial noise cases are those that take place in clubs, hotels, condo/hotels, restaurants, retail stores and construction sites. During the 2012-2013 annual rating period, 772 cases were deemed to be commercial in nature. Further analysis of the 772 commercial cases reflects that 226 were deemed valid, reflecting an annual noise validity rate of **29.3%** for commercially zoned areas.

It is important to denote that since Q1-2012, and as a result of multiple efforts including ongoing training, process monitoring, closer case review by Code Compliance Administrators (CCA) and management, and greater accountability and follow up, the validity rate for commercial cases has improved more than 10 percentage points in the past year and a half, exceeding 27% for the past five (5) quarters, beginning in Q1-2012. The chart #4 below illustrates this pattern.

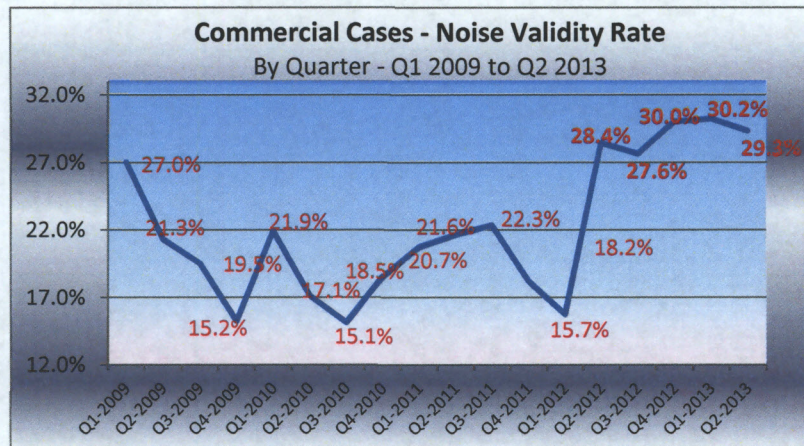


Chart #4

The chart below reflects the breakdown by type of commercial establishment of the **772** Commercial Cases for the period of July 2012 through June 2013.

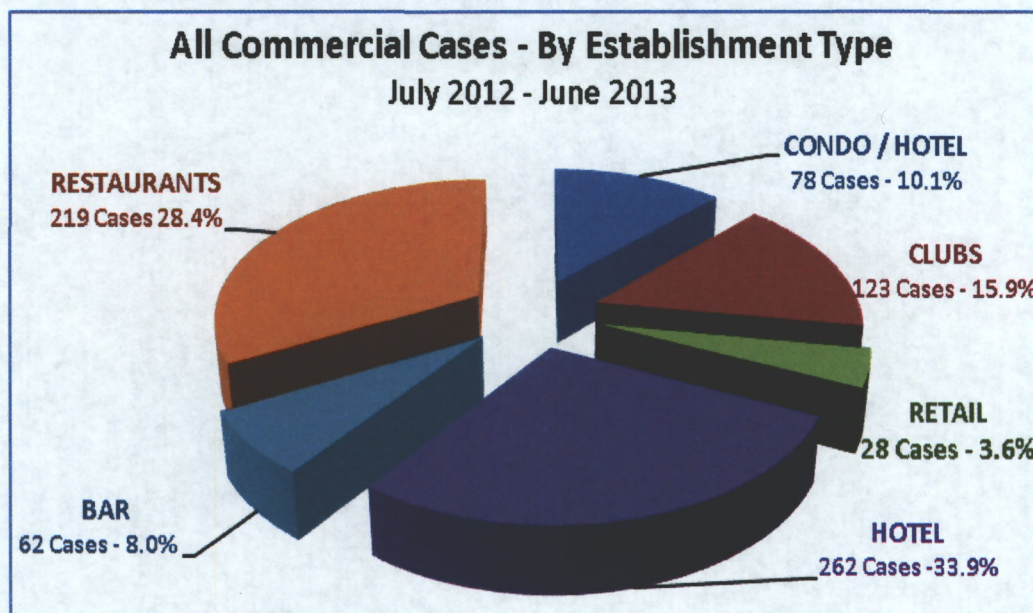


Chart #5

A cursory analysis reflects that noise from hotels and restaurants make up nearly two-thirds (2/3) of all the commercial noise cases; followed by clubs, condo-hotels, bars, and commercial retail space.

Extended analysis of the commercial cases reflects that of the **226** cases with a valid disposition during 2012-2013 reporting period, the breakdown was as follows:

- 74 cases (32.74%) taking place at a hotel were deemed valid.
- 73 cases (32.31%) noise cases at restaurants were deemed valid.
- 29 cases (12.83%) taking place at clubs were deemed valid.
- 24 cases (10.62%) taking place at a bar were deemed valid ; and
- 26 cases (11.50%) were composed of cases that took place at condo-hotel and a retail store.

A. Type of Noise - Commercial Cases

Unequivocally, the type of noise with the highest level of incidence is amplified / loud music. This has been the case for both residential and commercial noise violations since the inception of the noise report.

During the rating period, loud music accounted for 87.0% of the commercial noise complaints (672 cases). This was followed by construction noise (86 cases – 11.1%), honking/car alarms (5 cases – 0.6%), and barking dog (5 cases - .6%). Please see Attachment B for additional details.

B. Time/Day of Week of Commercial Noise occurring

As in previous annual reports, during the annual rating period of 2012-2013 there was a relative even balance for all commercial noise cases opened and/or reported between 7 AM to 11 PM (384 cases – 49.7%) and those cases opened and/or reported between 11 PM and 7 AM (388 cases – 50.3%). It is of utmost importance to denote that the 11 PM to 7 AM period is only eight (8) hours and usually matches or surpasses the volume of noise calls of the sixteen (16) hour period between 7 AM and 11 PM.

Further assessment of the valid commercial noise violations during the rating period reflects a smaller volume of valid noise cases taking place during the 16 hour period between 7 AM and 11PM, (101 cases) when compared to the eight (8) hour period between 11 PM and 7 AM (125 cases). This difference or higher volume of cases in the evening is expected or foreseeable as most commercial enterprises and entertainment industry are more active and prone to violate the noise provisions in the evening than in the morning/afternoon.

As it relates to the day of the week, the trend continues to be as projected, as the majority of noise cases take place on Saturday (27.1%); and the four-day period of Thursday through Sunday accounted for 78.8% (169 cases) of all cases. This has been the findings and trend reflected in previous reports as well. Further data is available on page 2 of Attachment B.

C. Response Time

Data regarding response time for complaints is obtained from the Parking Department data entry into Permits Plus. The table on the following page reflects a small difference between valid and non-valid commercial cases, with an arrival time difference of about 2 minutes (1 minute 46 seconds).

On average, valid commercial violations took 20 minutes, 46 seconds; while the non-valid cases took 22 minutes and 22 seconds. Although the difference of one (1) minute and 24 seconds may be deemed marginal, the analysis indicates some correlation between the response times impacting the noise enforcement outcomes.

Average Time for Code Officer to Arrive (ANNUAL Q3/2012 - Q2/2013)					
Number of Cases*	Establishment Type	Average Time to Officer's Arrival	Status	Number of Cases*	Average Time from Call Received by Dispatch to Code Officer's Arrival
3,044	Residential	0:24:24	VALID	533	0:23:28
			NON-VALID	1588	0:24:43
	Commercial	0:22:00	VALID	148	0:20:46
			NON-VALID	485	0:22:22
	Other	0:21:55	VALID	55	0:15:21
			NON-VALID	235	0:23:27
	All Cases	0:23:48	VALID	736	0:22:00
			NON-VALID	2308	0:24:22

*Average Time Calculated using only those cases with valid time data for "Time Call Received by Dispatch" & CCO Arrival

With the understanding that the quicker response times yield a probability of identifying a valid noise complaint, Code Compliance administration has established the benchmark for response time to noise violations at 15 minutes or less from the time the call is received by Dispatch until the time of the officer's arrival. Keeping response time levels to 15 minutes or less is directly proportionate to staffing levels, as well as efficient CCO deployment and coverage.

MAJOR EVENTS / SPECIAL EVENTS

During the annual rating period of July 2012 through June 2013, there were a number of events that impacted the volume of noise cases and noise complaints. These events included Memorial Day / Urban Beach Weekend, Spring Break, and Winter Music Festival. Historically there is an increase in the incidence of noise-complaints when compared to instances where there were no special events.

However, not all special events have an impact on noise violations. Other special events that generally do not have an impact on noise violations include Art-Basel, SoBe Wine and Food Festival, the Miami Beach International Boat Show, the Festival of the Arts, and Art-Deco Weekend.

CASES REFERRED TO POLICE DEPARTMENT

During the last year, there were meetings and training sessions held related to noise violations with both the Police Department (PD) and the Parking Department (who handles dispatching responsibilities for Code and all calls made to (305) 604-CITY(2489)). Various topics have been discussed including the conditions when Dispatch would refer a noise complaint directly to PD, as well as differences between noise violations versus a disturbance or unruly behavior. In addition, noise calls are routed to PD for a five (5) hour period on Mondays through Wednesdays (from 1:00 AM through 6:00 AM); and for a three (3) hour period on Thursdays and Sundays, (between 3:00 AM and 6:00 AM). On Fridays and Saturdays, Code addresses noise violations 24 hours.

SUMMARY OF 2ND QUARTER 2013 DATA

In an effort to avoid repetition, the analysis for Q2-2013 will focus on salient issues. For the period encompassing April 1, 2013, through June 30, 2013, there were 803 noise cases addressed by the Code Compliance Division. Of these:

- Thirty one (31) were canceled by the complainant,
- Eleven (11) were voided,
- Four (4) were deemed to be duplicate complaints,
- 76 were referred to PD, and
- Two (2) were not applicable to Code.

As a result, the total number of cases with a valid or non-valid disposition was 679. Of these, 461 cases (67.9%) were identified to have taken place at a residentially zoned location; 143 cases were deemed commercial (21.1%); and 75 (11.0%) of identified as "other", occurring at a public venue. The total number of noise cases deemed valid was 172, for an aggregate noise validity rate of 25.3% (See Attachment C for additional information).

Further analysis of Q2-2013 reflects that the noise validity rate for residential cases was 25.4% (117 valid cases out of a total of 461 cases). For commercial cases, the validity rate was **28.0%** (40 valid noise cases out of 143 total cases). Attachment D provides detailed and additional data on commercial cases for Q2-2013.

SPECIAL MASTER APPEAL HEARINGS

During the reporting period encompassing April 1, 2013 through June 30, 2013, there were a total of twenty eight (28) appeals filed and/or heard by the Special Master for noise-related cases. Five (5) cases have yet to be heard, and six (6) cases were either Nolle Prose, or entered into an agreement between the petitioner and the City Attorney's Office. Of the remaining seventeen (17) cases, seven (7) were dismissed for failing to be proven by clear and convincing evidence, and ten (10) were upheld / adjudicated guilty. Detailed information regarding Special Masters Appeal Hearing is reflected in **Attachment E**.

RECOMMENDATIONS

Having limited options for the status of a noise complaint fails to provide sufficient information about the outcome of those noise complaints. This is particularly true of invalid cases, where there are a myriad of factors that may contribute toward a noise complaint resulting in "invalid." During multiple discussions with administration, a number of case dispositions were identified that should be reflected, including but not limited to "unfounded", "unverifiable", "inaccessible", "allowable / within guidelines" (i.e. is not unusual to have fireworks during the 4th of July or New Year's Celebration; or noise emanating from a park associated with a football, baseball, or softball game). In those instances, the only current option is to deem the call invalid. There are also multiple calls made for barking dogs, and when a CCO arrives to location, there is no access to the building in question, resulting in an "invalid" outcome, when in reality the outcome should be "inaccessible" (building or apartment), or "not occurring on arrival".

The proposed additional dispositions include but are not limited to:

- Unfounded complaint
- Unverifiable
- Inaccessible
- Allowable / Within Guidelines
- Not occurring on arrival

These dispositions will be added to the database to be reflected in the next quarterly noise report.

CONCLUSION

Noise has been and continues to be one of the most dynamic topics related to quality of life issues affecting our community, impacting both residents as well as the entertainment-related businesses. Over the next few weeks, additional discussions are scheduled to take place regarding Phase II of the Crowe-Horwath analysis, particularly as it relates to noise and its current processes.

In the meantime, Code Compliance administration will continue its current process of ongoing training sessions, monitoring, and follow up by supervisory staff, focusing on areas of improvement, accountability, interdepartmental communication, and data collection.


JLM/JJ/MF/SS/HC/RSA @

Attachments

- Attachment A - Annual Noise Data – 7/01/2012 through 6/30/2013
- Attachment B - Annual Commercial Noise Data - 7/01/2012 through 6/30/2013
- Attachment C - Quarterly Noise Data - (4/01/2013 through 6/30/2013)
- Attachment D - Quarterly Commercial Noise Data Q2-2013 (4/01/2013 through 6/30/2013)
- Attachment E - Special Masters Appeal Hearings - (4/01/2013 – 6/30/2013)

ALL CASES

Noise Data (07/01/2012 - 06/30/2013 (Q3/2012 - Q2/2013))

Total Number of Noise Complaint Cases Opened/Calls Received			
Total Cases Opened	Less Voided, Canceled, Duplicate Complaints, Complaints not Applicable to Code Compliance	Total with Dispositions	Complaint Calls Received
3,846	414	3,432	3,366

Disposition of All Noise Cases	
Type	#
Total Cases	3,846
Canceled**	158
Voided*	41
Duplicate Complaint	11
Not Applicable to Code	10
Referred to PD	194
Total Valid and Non-Valid Cases	3,432
Valid Cases	891
Non-valid Cases	2,541

*Voided cases are cases that were entered in error, etc.
 **Canceled calls are cases canceled by the complainant prior to a Code Officer's arrival

Valid Violation Breakdown			
Verbal	84	9.4%	
Written Warning	628	70.5%	
Violation	179	20.1%	
Total Valid Cases	891	100%	

Noise Cases by Type of Establishment				
	Total Cases		Valid	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases
Residential	2,330	67.9%	597	25.6%
Commercial	772	22.5%	226	29.3%
Other	330	9.6%	68	20.6%
Totals	3,432	100%	891	26.0%

Residential = Apt, Condo, Single Family
 Commercial = Bar, Club, Hotel, Hotel-Condo, Restaurant, Retail, Constr-Com
 Other = Bandshell, Beach, Public Property, etc..

	Total Cases		Valid Cases		Non-Valid Cases	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
APT	1256	36.6%	287	8.4%	969	28.2%
BAR	62	1.8%	24	0.7%	38	1.1%
CLUBS	123	3.6%	29	0.8%	94	2.7%
CONDO	604	17.6%	133	3.9%	471	13.7%
CONDO-HOTEL	78	2.3%	16	0.5%	62	1.8%
HOME	470	13.7%	177	5.2%	293	8.5%
OTHER	330	9.6%	68	2.0%	262	7.6%
RESTAURANT	219	6.4%	73	2.1%	146	4.3%
RETAIL	28	0.8%	10	0.3%	18	0.5%
HOTEL	262	7.6%	74	2.2%	188	5.5%
Totals	3,432	100%	891	26.0%	2,541	74.0%

Noise Cases by Noise Type

Noise Type	TOTALS	Valid Cases	Non-valid Cases
LOUD MUSIC	2,506	671	1,835
LIVE ENTERTAINMENT	13	4	9
BARKING DOG	405	94	311
CROWD NOISE	15	1	14
CONSTRUCTION	447	112	335
OTHER	0	0	0
HONKING CARS/ALARMS	46	9	37
Totals	3,432	891	2,541
		26.0%	74.0%

Call Time of Day / Day of Week

ALL CASES (VALID AND NON-VALID)

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	374	204	170
Tuesday	331	201	130
Wednesday	369	230	139
Thursday	399	233	166
Friday	559	247	312
Saturday	831	453	378
Sunday	569	395	174
Totals	3,432	1,963	1,469
		57.2%	42.8%

VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	99	40	59
Tuesday	68	48	20
Wednesday	66	43	23
Thursday	87	46	41
Friday	137	67	70
Saturday	261	145	116
Sunday	173	113	60
Totals	891	502	389
		56.3%	43.7%

NON-VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	275	164	111
Tuesday	263	153	110
Wednesday	303	187	116
Thursday	312	187	125
Friday	422	180	242
Saturday	570	308	262
Sunday	396	282	114
Totals	2,541	1,461	1,080
		57.5%	42.5%

Call Time of Day - Residential vs Commercial

	Total	7a - 11p	11p - 7a (of the following morning)
RESIDENTIAL	2,330	1,342	988
COMMERCIAL	772	384	388
OTHER	330	237	93
Totals	3,432	1,963	1,469
		57.2%	42.8%

Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
Totals	1,919	100%	890	46.4%	1,029	53.6%
Anonymous Complainant	899	46.8%	553	28.8%	346	18.0%
Anonymous with Contact	134	7.0%	34	1.8%	100	5.2%
Contact Information Provided	820	42.7%	242	12.6%	578	30.1%
Internal	66	3.4%	61	3.2%	5	0.3%

ATTACHMENT B

COMMERCIAL NOISE CASES Noise Data (07/01/2012 - 06/30/2013 (Q3/2012 - Q2/2013))

Total Number of Noise Complaint Calls Received

Total Cases (Valid and Non-valid only)	Less Code or PD Initiated (Proactive)	Complaint Calls Received
772	50	722

Disposition of All Noise Cases

Type	#	%
Valid Cases	226	29.3%
Non-valid Cases	546	70.7%
Total Valid and Non-Valid Cases =		772
		100%

Valid Violation Breakdown

Verbal	63	27.9%
Written Warning	90	39.8%
Violation	73	32.3%
Total Valid Cases	226	100%

Noise Cases by Type of Establishment

Location Type	Totals	% of Commercial Cases (By Establishment Type)	Valid	Non-Valid
BAR	62	8.0%	24	38
CLUBS	123	15.9%	29	94
CONDO-HOTEL	78	10.1%	16	62
RESTAURANT	219	28.4%	73	146
RETAIL	28	3.6%	10	18
HOTEL	262	33.9%	74	188
Total	772	100%	226	546
			29.3%	70.7%

Noise Cases by Noise Type

Noise Type	Totals	% of Commercial Cases (By Type of Noise)	Valid	Non-valid
LOUD MUSIC	672	87.0%	204	468
LIVE ENTERTAINMENT	1	0.1%	0	1
BARKING DOG	5	0.6%	0	5
CROWD NOISE	3	0.4%	1	2
CONSTRUCTION	86	11.1%	21	65
OTHER	0	0.0%	0	0
HONKING CARS/ALARMS	5	0.6%	0	5
Totals	772	100%	226	546
			29.3%	70.7%

Time of Day / Day of Week of Call

ALL CASES (VALID AND NON-VALID)

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	66	28	38
Tuesday	66	37	29
Wednesday	93	53	40
Thursday	92	42	50
Friday	129	36	93
Saturday	209	106	103
Sunday	117	82	35
Totals	772	384	388
		49.7%	50.3%

VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	21	6	15
Tuesday	16	9	7
Wednesday	20	12	8
Thursday	32	14	18
Friday	41	10	31
Saturday	60	26	34
Sunday	36	24	12
Totals	226	101	125
		45%	55%

NON-VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	45	22	23
Tuesday	50	28	22
Wednesday	73	41	32
Thursday	60	28	32
Friday	88	26	62
Saturday	149	80	69
Sunday	81	58	23
Totals	546	283	263
		52%	48%

Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases	Valid Cases	Non-valid Cases
Total Complaints	772	226	546
Anonymous Complainant	540	126	414
Anonymous with Contact made	19	5	14
Contact Information Provided	163	49	114
Internal (Proactive)	50	46	4
		6.5%	0.5%

ATTACHMENT C

ALL CASES Noise Data 04/01/2013 - 06/30/2013 (Q2-2013)

Total Number of Noise Complaint Cases Opened/Calls Received			
Total Cases Opened	Less Voided, Canceled, Duplicate Complaints, Complaints not Applicable to Code Compliance	Total with Dispositions	Complaint Calls Received
803	124	679	666

*Voided cases are cases that were entered in error, etc.
**Canceled calls are cases canceled by the complainant prior to a Code Officer's arrival

Valid Violation Breakdown			
Verbal	14	8.1%	
Written Warning	125	72.7%	
Violation	33	19.2%	
Total Valid Cases	172	100%	

Noise Cases by Type of Establishment			
	Total Cases		
	Number of Cases	Percentage of All Cases	Percentage of Cases
Residential	461	67.9%	344
Commercial	143	21.1%	103
Other	75	11.0%	60
Totals	679	100%	507

Residential = Apt, Condo, Single Family
Commercial = Bar, Club, Hotel, Hotel-Condo, Restaurant, Retail, Constr-Com
Other = Bandshell, Beach, Public Property, etc..

	Total Cases		Valid Cases		Non-Valid Cases	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
APT	250	36.8%	60	8.8%	190	28.0%
BAR	13	1.9%	5	0.7%	8	1.2%
CLUBS	12	1.8%	3	0.4%	9	1.3%
CONDO	126	18.6%	26	3.8%	100	14.7%
CONDO-HOTEL	17	2.5%	2	0.3%	15	2.2%
HOME	85	12.5%	31	4.6%	54	8.0%
OTHER	75	11.0%	15	2.2%	60	8.8%
RESTAURANT	48	7.1%	14	2.1%	34	5.0%
RETAIL	7	1.0%	3	0.4%	4	0.6%
HOTEL	46	6.8%	13	1.9%	33	4.9%
Totals	679	100%	172	25.3%	507	74.7%

Disposition of All Noise Cases		
Type		#
Total Cases		803
Canceled**		31
Voided*		11
Duplicate Complaint		4
Not Applicable to Code		2
Referred to PD		76
Total Valid and Non-Valid Cases		679
Valid Cases		172
Non-valid Cases		507

Noise Cases by Noise Type					
Noise Type	TOTALS		Valid Cases		Non-valid Cases
LOUD MUSIC	470	69.2%	117	17.2%	353
LIVE ENTERTAINMENT	8	1.2%	1	0.1%	7
BARKING DOG	88	13.0%	28	3.8%	62
CROWD NOISE	6	0.9%	0	0.0%	6
CONSTRUCTION	100	14.7%	27	4.0%	73
OTHER	0	0.0%	0	0.0%	0
HONKING CARS/ALARMS	7	1.0%	1	0.1%	6
Totals	679	100%	172	25.3%	507
					74.7%

Call Time of Day / Day of Week					
ALL CASES (VALID AND NON-VALID)					
	Total		7a - 11p		11p - 7a (of the following morning)
Monday	61	9.0%	37	5.4%	24
Tuesday	70	10.3%	52	7.7%	18
Wednesday	54	8.0%	42	6.2%	12
Thursday	62	9.1%	37	5.4%	25
Friday	115	16.9%	58	8.5%	57
Saturday	182	26.8%	108	15.9%	74
Sunday	135	19.9%	84	12.4%	51
Totals	679	100%	418	61.6%	261
					38.4%

VALID					
	Total		7a - 11p		11p - 7a (of the following morning)
Monday	14	8.1%	5	2.9%	9
Tuesday	13	7.6%	10	5.8%	3
Wednesday	14	8.1%	11	6.4%	3
Thursday	9	5.2%	6	3.5%	3
Friday	21	12.2%	17	9.9%	4
Saturday	53	30.8%	30	17.4%	23
Sunday	48	27.9%	24	14.0%	24
Totals	172	100%	103	59.9%	69
					40.1%

NON-VALID					
	Total		7a - 11p		11p - 7a (of the following morning)
Monday	47	9.3%	32	6.3%	15
Tuesday	57	11.2%	42	8.3%	15
Wednesday	40	7.9%	31	6.1%	9
Thursday	53	10.5%	31	6.1%	22
Friday	94	18.5%	41	8.1%	53
Saturday	129	25.4%	78	15.4%	51
Sunday	87	17.2%	60	11.8%	27
Totals	507	100%	315	62.1%	192
					37.9%

Call Time of Day - Residential vs Commercial					
	Total		7a - 11p		11p - 7a (of the following morning)
RESIDENTIAL	461	67.9%	274	40.4%	187
COMMERCIAL	143	21.1%	89	13.1%	54
OTHER	75	11.0%	55	8.1%	20
Totals	679	100%	418	61.6%	261
					38.4%

Breakdown of Calls with Identified Complainants and with Anonymous Complainants						
	Total Cases		Valid Cases		Non-valid Cases	
Totals	679	100%	172	25.3%	507	74.7%
Anonymous Complainant	445	65.5%	99	14.6%	346	51.0%
Anonymous with Contact	27	4.0%	4	0.6%	23	3.4%
Contact Information Provided	194	28.6%	57	8.4%	137	20.2%
Internal	13	1.9%	12	1.8%	1	0.1%

ATTACHMENT D

COMMERCIAL NOISE CASES Noise Data 04/01/2013 - 06/30/2013 (Q2-2013)

Total Number of Noise Complaint Calls Received

Total Cases (Valid and Non-valid only)	Less Code or PD Initiated (Proactive)	Complaint Calls Received
143	12	131

Disposition of All Noise Cases

Type	#	%
Valid Cases	40	28.0%
Non-valid Cases	103	72.0%
Total Valid and Non-Valid Cases =		143
		100%

Total Valid and Non-Valid Cases =

Valid Violation Breakdown

Verbal	14	35.0%
Written Warning	17	42.5%
Violation	9	22.5%
Total Valid Cases	40	100%

Noise Cases by Type of Establishment

Location Type	Totals	% of Commercial Cases (By Establishment Type)	Valid		Non-Valid	
BAR	13	9.1%	5	3.5%	8	5.6%
CLUBS	12	8.4%	3	2.1%	9	6.3%
CONDO-HOTEL	17	11.9%	2	1.4%	15	10.5%
RESTAURANT	48	33.6%	14	9.8%	34	23.8%
RETAIL	7	4.9%	3	2.1%	4	2.8%
HOTEL	46	32.2%	13	9.1%	33	23.1%
Total	143	100%	40	28.0%	103	72.0%

Noise Cases by Noise Type

Noise Type	Totals	% of Commercial Cases (By Type of Noise)	Valid		Non-valid	
LOUD MUSIC	118	82.5%	35	24.5%	83	58.0%
LIVE ENTERTAINMENT	0	0.0%	0	0.0%	0	0.0%
BARKING DOG	0	0.0%	0	0.0%	0	0.0%
CROWD NOISE	1	0.7%	0	0.0%	1	0.7%
CONSTRUCTION	23	16.1%	5	3.5%	18	12.6%
OTHER	0	0.0%	0	0.0%	0	0.0%
HONKING CARS/ALARMS	1	0.7%	0	0.0%	1	0.7%
Totals	143	100%	40	28.0%	103	72.0%

Time of Day / Day of Week of Call

ALL CASES (VALID AND NON-VALID)

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	10	7	3
Tuesday	12	8	4
Wednesday	8	6	2
Thursday	12	7	5
Friday	29	10	19
Saturday	46	28	18
Sunday	26	23	3
Totals	143	89	54
		62.2%	37.8%

VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	2	2	0
Tuesday	2	1	1
Wednesday	4	3	1
Thursday	3	2	1
Friday	10	1	9
Saturday	13	8	5
Sunday	6	6	0
Totals	40	23	17
		58%	43%

NON-VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	8	5	3
Tuesday	10	7	3
Wednesday	4	3	1
Thursday	9	5	4
Friday	19	9	10
Saturday	33	20	13
Sunday	20	17	3
Totals	103	66	37
		64%	36%

Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases	Valid Cases	Non-valid Cases
Total Complaints	143	40	103
Anonymous Complainant	91	18	73
Anonymous with Contact made	2	0	2
Contact Information Provided	38	11	27
Internal (Proactive)	12	11	1
		7.7%	0.7%

ATTACHMENT E

Information on Disposition of Cases by Special Master and by Judicial (Q2-2013)						
Date of Violation	Request Filed	Special Master Case Number	Code Case Number	Address	Name	Status
11/21/2012	11/30/2012	JC13000133	CE13001723	6515 COLLINS AV	DANIEL ETTEGUI	SM 04/04/2013 - Violation not proven by clear and convincing evidence to be valid. Case Dismissed.
11/26/2012	12/05/2012	JC13000134	CE13001835	1235 WASHINGTON AV	Star Island Entertainment LLC dba	SM 05/16/2013 - Guilty of a 1st Offense. \$250 fine shall be paid by 6/17/13.
12/02/2012	12/10/2012	JC13000135	CE13002066	1420 STILLWATER DR	Fernando Raucci & W Monica	SM 02/07/2013 - Violation not proven by clear and convincing evidence to be valid. Case Dismissed.
12/07/2012	12/14/2012	JC13000241	CE13002224	1144 OCEAN DR	S & M AIRPLANE ENTERPRISES LLC	SM 04/04/2013 - Guilty of 2nd Offense. \$1,000 to be paid by 8/7/13.
12/09/2012	12/14/2012	JC13000240	CE13002303	1144 OCEAN DR	1144 OD LLC	SM 04/04/2013 - Guilty of 3rd Offense. \$2,000 to be paid by 8/7/13.
12/13/2012	12/21/2012	JC13000250	CE13002517	1701 COLLINS AV	1701 COLLINS (MIAMI) OPERATING COMPANY LLC	SM 06/13/2013 - Case dismissed with prejudice, based on agreed order.
01/01/2013	01/15/2013	JC13000158	CE13003175	1501 COLLINS AV	TEQUILA CHICAS	SM 04/04/2013 - Guilty of 1st Offense. \$250 shall be paid by 5/6/13.
02/08/2013	02/26/2013	JC13000252	CE13005464	235 23RD ST	Mokai Lounge, LLC	SM 05/02/2013 - Nolle Prose submitted by the City Attorney.
02/09/2013	02/19/2013	JC13000239	CE13004636	235 23RD ST	Mokai Lounge, LLC	SM 05/16/2013 - Case dismissed based on an agreement between the City and Petitioner.
02/10/2013	02/20/2013	JC13000238	CE13004680	1235 WASHINGTON AV	Star Island Entertainment LLC dba	SM 05/16/2013 - Case dismissed based on an agreement between the City and Petitioner.
02/16/2013	02/26/2013	JC13000251	CE13005058	1135 8TH ST	Jacob McClean	SM 05/02/2013 - Adjudicated Guilty of a First Offense. \$250 Fine to be paid by 6/18/13.
02/16/2013	02/26/2013	JC13000254	CE13005061	1501 COLLINS AV	OCEAN ENDS LLC D/B/A TEQUILLA CHICAS	SM 04/04/2013 - Case not proven by clear and convincing evidence to be valid. Case dismissed.
02/23/2013	02/26/2013	JC13000253	CE13005462	235 23RD ST	Mokai Lounge, LLC	SM 05/16/2013 - Case dismissed based on an agreement between the City and Petitioner.
03/01/2013	03/06/2013	JC13000273	CE13005795	309 23RD ST	Villa Azur	SM 05/02/2013 - Guilty of First Offense. \$250 Fine to be paid by 6/3/13.
03/06/2013	03/12/2013	JC13000266	CE13006138	920 LINCOLN RD	THE LAUREN INVESTMENTS CORP	SM 05/02/2013 - Guilty of First Offense. \$250 Fine to be paid by 6/3/13.
03/10/2013	04/08/2013	JC13000294	CE13006365	1200 OCEAN DR	1200 OCEAN ASSOCIATES LTD	SM 06/13/2013 - Case closed for lack of payment for appeal.
03/10/2013	04/08/2013	JC13000295	CE13006400	1200 OCEAN DR	SOBE MIAMI LLC D/B/A PALACE	SM 06/13/2013 - Case closed for lack of payment for appeal.
03/12/2013	03/20/2013	JC13000274	CE13002123	1111 COLLINS AV	TBS REALTY LLC, DBA DREAM - MAERD SOUTH BEACH.	SM 05/02/2013 - NOV not proven by clear and convincing evidence. Case dismissed.
03/16/2013	03/20/2013	JC13000275	CE13006814	1111 COLLINS AV	TBS REALTY LLC, DBA DREAM - MAERD SOUTH BEACH.	SM 06/13/2013 Based on an agreed order Case dismissed with prejudice.
03/17/2013	04/30/2013	JC13000319	CE13007015	1801 COLLINS AV MBCH	SHELBORNE HOTEL	SM 06/13/2013 - Case not proven by clear and convincing evidence to be valid. Case dismissed.
03/21/2013	04/09/2013	JC13000292	CE13007203	4385 COLLINS AV	SOHO HOTEL	SM 06/13/2013 - NOV not proven by clear and convincing evidence. Case dismissed.
03/23/2013	03/29/2013	JC13000293	CE13007292	1020 OCEAN DR	2K SOUTH BEACH HOTEL LLC	SM 06/13/2013 - NOV not proven by clear and convincing evidence. Case dismissed.
03/27/2013	04/05/2013	JC13000291	CE13007536	4385 COLLINS AV	RYDER PROPERTIES LLC	SM 09/26/2013
04/07/2013	04/16/2013	JC13000318	CE13007917	1545 COLLINS AV	JAMES ROYAL PALM HOTEL	SM 07/18/2013
04/26/2013	05/06/2013	JC13000330	CE13008547	7337 HARDING AV	LOU'S BEER GARDEN	SM 06/13/2013 - Guilty of First Offense. \$250 Fine to be paid by 7/15/13.
05/18/2013	05/20/2013	JC13000388	CE13009225	5001 COLLINS AV	ROBERT BRIANSTANG	SM 07/18/2013
05/18/2013	05/23/2013	JC13000389	CE13009250	1685 COLLINS AV	DELANO HOTEL	SM 07/18/2013
06/08/2013	06/14/2013	JC13000394	CE13009973	323 23RD STREET	ACQUA LLC dba TREEHOUSE	SM 07/18/2013